



C.R.P.(MD)No.2985 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2985 of 2023

and

C.M.P.(MD)No.15390 of 2023

M.Sankar

... Petitioner/
Petitioner/
Defendant

Vs.

Ramesh

... Respondent/
Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the revision petition and set aside the order passed by the II Additional Sub Court, Madurai in I.A.No.407 of 2023 in O.S.No.91 of 2019 dated 07.09.2023 with cost.

For Petitioner : Mr.R.Ramasamy

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.407 of 2023 in O.S.No.91 of 2019 dated 07.09.2023 on the file of



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the II Additional Sub Court, Madurai, dismissing the application seeking permission to examine the Sub Registrar.

2. The respondent/plaintiff has filed a suit in O.S.No.91 of 2019 for specific performance and when the suit was pending for defendant's side evidence, the revision petitioner/defendant has filed an application in I.A.No.407 of 2023 alleging that the plaintiff has stated that he is ready for registration in the SRO office, that the plaintiff has filed the sale deed and time slot permission given by the SRO and other things required for the registration and to prove the same before the trial Court, the SRO has to be summoned to show whether the plaintiff is ready for the registration of sale deed or not. The trial Court, considering the objection raised by the other side, has passed the impugned order dismissing the application.

3. The learned counsel appearing for the revision petitioner would submit that the respondent/plaintiff has averred that he obtained permission for the period between 03.00 p.m. and 03.30 p.m. without making any payment and that the same has to be proved by examining the Sub Registrar by summoning him.



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4. Even assuming for arguments sake that the respondent/plaintiff had not visited the Registrar Office and not obtained any permission for registration, it is for the respondent/plaintiff to prove his readiness and willingness and it is not for the revision petitioner/defendant to prove the same. If it is really necessary, the revision petitioner/defendant is at liberty to apply for the said documents before the Sub Registrar Office and produce before the trial Court.

5. When the trial was at the fag end, the above application came to be filed and the learned trial Judge has rightly dismissed the application. Hence, this Court is not inclined to interfere with the impugned order. Accordingly, this Civil Revision Petition is dismissed. However, the revision petitioner is at liberty to apply for the documents and produce the same before the trial Court, if so advised. Consequently, connected Miscellaneous Petition is closed. No costs.

15.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
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K.MURALI SHANKAR,J.

csn

To

1. The II Additional Sub Court,
Madurai.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

Order made in
C.R.P.(MD)No.2985 of 2023
and
C.M.P.(MD)No.15390 of 2023

Dated : 15.11.2023